

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

CLAN R. JACOBS,

Plaintiff,

v.

WASHINGTON STATE
DEPARTMENT OF CORRECTIONS,
an agency of the State of Washington
and ELDON VAIL, in his capacity as
Secretary of the Department of
Corrections and Washington
Corrections Center; and DOUGLAS
WADDINGTON, individually and in
his capacity as Superintendent of
Washington State Corrections Center,

Defendants.

NO. C09-5359 RBL

STIPULATED JUDGMENT AND
ORDER OF DISMISSAL WITH
PREJUDICE

IT IS HEREBY STIPULATED AND AGREED between the parties, Plaintiff Clan Jacobs, by and through his counsel, John Bonin, and the Defendants, the State of Washington Department of Corrections, Eldon Vail, and Douglas Waddington, by and through their counsel, Attorney General Robert M. McKenna and Assistant Attorney General Marie C. Clarke, to the following:

Under Fed. R. Civ. P. 68, Defendants offered to allow Plaintiff, Clan Jacobs, to take judgment against the State of Washington in this matter pursuant to the terms of the Defendants' Offer of Judgment served on January 15, 2010. Plaintiff has accepted the Defendants' Offer of Judgment. The parties have agreed that the Court shall enter Judgment as follows:

<u>Judgment Creditor:</u>	Clan Jacobs
<u>Judgment Creditor's Attorney:</u>	John Bonin
<u>Judgment Debtor:</u>	State of Washington
<u>Judgment Amount:</u>	\$50,001
<u>Pre-Judgment Interest:</u>	\$--0--
<u>Post-Judgment Interest:</u>	\$--0--
<u>Tax Consequences, Costs, and Attorney's Fees:</u>	\$22,000

The parties further agree that Judgment shall be entered pursuant to the terms of the Defendants' Offer of Judgment and this Stipulation, as set forth in the following Order:

STIPULATED AND AGREED this 5th day of April, 2010.

ROBERT M. MCKENNA
Attorney General

/s/ Marie C. Clarke
MARIE C. CLARKE, WSBA #36146
Assistant Attorney General
Attorneys for Defendants

/s/ John Bonin
JOHN BONIN, WSBA #25760
Attorney for Plaintiff

ORDER

THIS MATTER having come before the undersigned judge of the above-entitled Court, based on the foregoing Stipulation, and the Court being fully advised after a review of the files and records herein, now, therefore,

IT IS HEREBY ORDERED that Defendants, Washington State Department of Corrections, Eldon Vail, and Douglas Waddington shall be dismissed as parties in the above-entitled action with prejudice.

IT IS FURTHER ORDERED AND DECREED that pursuant to the provisions of RCW 4.92, judgment may be taken by Plaintiff against the Defendant State of Washington in the amount of \$50,001. Additionally, Defendant State of Washington shall pay Plaintiff's tax consequences, awardable costs, and reasonable attorney's fees in the sum of Twenty Two Thousand and No/100 Dollars (\$22,000). Additionally, this judgment may not be construed as an admission that any Defendant is liable, or that any claimed injuries or damages are the result of any action or inaction on the part of any Defendant.

IT IS FURTHER ORDERED AND DECREED this judgment shall resolve finally all legal and equitable relief sought by Clan Jacobs in this case against the Defendants State of Washington Department of Corrections, Eldon Vail, and Douglas Waddington, as well as any other current or former employees or agents of the state.

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1 IT IS FURTHER ORDERED AND DECREED that the state of Washington shall,
2 within a reasonable period of time, pay for the benefit of the Plaintiff the sums above, totaling
3 Seventy Two Thousand One and No/100 Dollars (\$72,001), and that upon payment of said
4 sum, a Satisfaction of Judgment shall be filed.

5 DATED this 6th day of April, 2010.

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7 RONALD B. LEIGHTON
8 UNITED STATES DISTRICT JUDGE
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